

D. Todd Davenport
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(940) 322-7856
Attorneys for Waggoner National Bank

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

IN RE:

CRANE, Larry & Amy

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BK #08-70481-HDH-13

MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES **Waggoner National Bank** ("Waggoner") and files its Motion to Lift Stay pursuant to Section 362(d) of the Federal Bankruptcy Code and in support thereof would respectfully show the Court as follows:

1. Debtors, Larry Crane and Amy Crane filed a Petition in this Court under Chapter 13 of the Bankruptcy Code on or about November 10, 2008. Waggoner is a secured creditor with respect to a loan executed by Debtor.

2. Waggoner is a secured creditor as to a vehicle more fully describe as a 1939 Chevrolet Coupe, Original Title #B374514C, Motor OK 175780. Attached hereto as Exhibit A is a Note, Disclosure and Security Agreement in the original principal sum of \$16,167.41.

3. The basis for the request for this Court to lift the automatic stay with respect to the collateral is that Debtors indicated in their plan that they will pay Waggoner direct. However, Debtors are in arrears in making payments and have failed to provide adequate protection.

4. If Waggoner National Bank is not permitted to lift the stay it will suffer irreparable injury, loss and damage.

WHEREFORE, PREMISES CONSIDERED, Waggoner National Bank prays that upon final hearing of this Motion, the stay pursuant to 11 USC § 362 be granted, and that it have such other and further relief to which it may be justly entitled.

Respectfully submitted,

GIBSON DAVENPORT ANDERSON
807 8th Street, 8th Floor
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(940) 322-7856
FAX: 322-1204

BY: /s/
D. TODD DAVENPORT
State Bar #24031988
Attorneys for Waggoner National Bank

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 4001.1(a), I certify that I have attempted to engage in good faith settlement negotiations and conference with regard to this Motion. On or about September 1, 2009 I contacted Debtors' attorney. They indicated they were opposed. Therefore, the motion is opposed.

 /s/
D. TODD DAVENPORT

NOTICE

THE TRUSTEE (IF ONE HAS BEEN APPOINTED) OR THE DEBTOR SHALL FILE A RESPONSE TO ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY WITHIN 12 DAYS FROM THE SERVICE OF THE MOTION. (UNDER BANKRUPTCY RULE 9006(E) SERVICE BY MAIL IS COMPLETE UPON MAILING; UNDER BANKRUPTCY RULE 9006(F) 3 DAYS ARE ADDED TO THE PERIOD FOR FILING A RESPONSE WHEN NOTICE OF THE PERIOD IS SERVED BY MAIL)). THE DEBTOR'S RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED. IF THE DEBTOR DOES NOT FILE A RESPONSE AS REQUIRED, THE ALLEGATIONS IN THE CREDITOR'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY SHALL BE DEEMED ADMITTED,

UNLESS GOOD CAUSE IS SHOWN WHY THESE ALLEGATIONS SHOULD NOT BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED MY DEFAULT.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing **Motion to Lift Stay** has been served by ECF and/or certified mail, return receipt requested, upon the following:

Monte White, attorney for debtor
1106 Brook
Wichita Falls, Texas 76301

Walter O'Cheskey, Bankruptcy Trustee

U.S. Trustee
1100 Commerce, Room 976
Dallas, Texas 75242

Larry Crane & Amy Crane
2902 Antelope
Vernon, Texas 76384
Certified mail, return receipt requested

this 3rd day of September, 2009.

_____/s/
D. TODD DAVENPORT

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ORDER FOR MOTION FOR RELIEF FROM AUTOMATIC STAY

On this day was presented an Order as to a Motion for Relief from Automatic Stay filed by Movant, Waggoner National Bank. The Court, having considered the Motion is of the opinion that said Motion is well taken and should be granted.

IT IS ORDERED that the stay is hereby lifted as to Waggoner National Bank's rights and remedies as to the collateral described as a 1939 Chevrolet Coupe, Original Title #B374514C, Motor OK 175780.

IT IS FURTHER ORDERED that this Order survives the dismissal or conversion of the bankruptcy case.

SIGNED _____, 2009.

Judge Presiding